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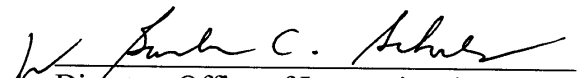


**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2001-10521-2
(Joint application of Austrian Airlines/Lauda Air for blanket wet lease/code share authority)

Approved under assigned authority (14 CFR §385.13).

Date of Action: SEPTEMBER 20, 2001


Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within ten days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

Austrian Airlines/Lauda Air - Docket OST-2001-10521

The wet-lease/code-share operations authorized here are subject to the following conditions:

- (a) The statements of authorization will remain in effect only as long as (i) Austrian Airlines and Lauda Air continue to hold the necessary underlying authority to operate the wet-lease/code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect;
- (b) Austrian Airlines and/or Lauda Air must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. Such notices should be filed in Docket OST-2001-10521;
- (c) Austrian Airlines and/or Lauda Air must notify the Department immediately if the wet-lease/code-share agreement under which these wet-lease/code-share services are operated is no longer in effect or if the carriers decide to cease operating all or a portion of the wet-lease/code-share services under the agreement. We expect this notification to be received within 10 days of such non-effectiveness or of such decision. Such notices should be filed in Docket OST-2001-10521;
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; that the passenger liability of the operating carrier be unaffected;
- (e) The authority granted here is specifically conditioned so that neither Austrian Airlines nor Lauda Air shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke this authority at any time without hearing.

The filing of a petition for review shall not preclude the effectiveness of this action.